

FILED

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

MONTEZ SALAMASINA OTTLEY,

Petitioner - Appellee,

v.

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII; et al.,

Respondents - Appellees.

No. 05-80147

D.C. No. CR-00-00126-MLR
District of Hawaii, Honolulu

ORDER

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

MAR 15 2006 *ay*

at 10 o'clock and 55 min. *1* M
SUE BEITIA, CLERK

Before: BEEZER, T.G. NELSON and BEA, Circuit Judges.

We have received petitioner's "verified application for writ of habeas corpus; demand for judgment; attachments I-III, writ and summons to issue from court." Petitioner's filing is construed as a petition for writ of mandamus requesting that this court order the district court to act on petitioner's 28 U.S.C. § 2255 motion, currently pending in the district court. *Cf.* Fed. R. App. P. 22(a) (requiring that an original application for writ of habeas corpus be made in the district court, and authorizing transfer to the appropriate district court if incorrectly filed in the court of appeals). So construed, the petition is denied.

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CLERK, U.S. DISTRICT COURT

MAR 15 2006

DISTRICT OF HAWAII

05-80147

Petitioner has not demonstrated that this case warrants the intervention of this court by means of the extraordinary remedy of mandamus. *See Bauman v. United States Dist. Court*, 557 F.2d 650 (9th Cir. 1977).

No motions for reconsideration, modification, or clarification of this order shall be filed or entertained.

DENIED.

A TRUE COPY
CATHY A. CATTERSON
CLERK OF COURT
ATTEST

MAR 13 2006

by _____
Deputy Clerk

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